

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Rose Dikeh,

Petitioner, Case No. 20-11166

v.

Judith E. Levy
United States District Judge

Rebecca Adducci, *et al.*,

Mag. Judge Anthony P. Patti

Respondents.

**ORDER DENYING PETITIONER'S MOTION AND ORDERING
SUPPLEMENTAL BRIEFING [2]**

On May 8, 2020, Petitioner Rose Dikeh filed a Petition for Writ of Habeas Corpus. (ECF No. 1.) On May 11, 2020, Petitioner filed a Motion for Temporary Restraining Order, seeking immediate release from civil immigration detention at the Chippewa County Jail. (ECF No. 2.) Petitioner claims that no conditions of confinement can ensure her reasonable safety due to her to risk of illness and death related to COVID-19. (*Id.* at PageID.37.) On June 2, 2020, the Court heard oral argument on Petitioner's motion through video/teleconference technology.

Adjudicating Petitioner's motion requires the Court to determine whether, absent an injunction, Petitioner faces a high likelihood of irreparable harm. *Northeast Ohio Coal. for Homeless and Serv. Emps. Intern. Union, Local 1199 v. Blackwell*, 467 F.3d 999, 1009 (6th Cir. 2006). Petitioner alleges that she is at increased risk of severe illness and/or death from COVID-19 because of her hypertension. (ECF No. 2, PageID.28.) However, Petitioner did not attach to her petition or motion medical records or any other evidence that either documents Petitioner's underlying medical conditions or supports a finding that Petitioner is at increased risk of a dire outcome should she contract COVID-19.

Accordingly, Petitioner's motion is denied without prejudice. Respondent is ordered to provide Petitioner with her medical records from the Chippewa County Jail by no later than Tuesday, June 9, 2020. The parties are to submit a stipulated protective order by no later than 12:00pm EST on Friday, June 5, 2020.

The Court will reconsider Petitioner's motion upon receiving evidence of Petitioner's specific underlying health conditions and argument regarding Petitioner's risk of severe illness and/or death from COVID-19. Petitioner may submit a supplemental brief by no later than

Friday, June 12. Respondent may submit a supplemental brief by Wednesday, June 17. In addition to addressing Petitioner's medical vulnerability, both parties may include argument related to whether Petitioner would be a flight risk upon release.

IT IS SO ORDERED.

Dated: June 3, 2020
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on June 3, 2020.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager